

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

DARRYL TAYLOR,

Petitioner,

: Case No. 1:17-cv-267

- vs -

District Judge Michael R. Barrett  
Magistrate Judge Michael R. Merz

TIM BUCHANAN, Warden,  
Noble Correctional Institution

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Respondent.

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**ORDER; SUBSTITUTED REPORT AND RECOMMENDATIONS**

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This habeas corpus case is before the Court on Petitioner's Motion to Alter or Amend the Judgment under Fed. R. Civ. P. 59(e)(ECF No. 17). Accompanying the Motion is proof satisfactory to the Magistrate Judge that the Report and Recommendations filed May 17, 2018 (ECF No. 10) were not mailed to the Petitioner until May 21, 2018. Based on that mailing date, Petitioner's Motion for Extension of Time (ECF No. 13) was timely deposited in the prison mail system because the deposit occurred on June 5, 2018. Accordingly, the Order Denying Motion for Extension of Time (ECF No. 14) is VACATED and the Report and Recommendations on Motion for Reconsideration (ECF No. 16) is WITHDRAWN.

In place of the withdrawn Report, the Magistrate Judge respectfully recommends that the judgment herein (ECF No. 12) be reopened. In the expectation that that will happen, Petitioner is

granted thirty days from today's date or until July 26, 2018, to file substantive objections to the Report and Recommendations of May 17, 2018 (ECF No. 10).

June 26, 2018.

s/ *Michael R. Merz*  
United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).